incurred in connection therewith, would simply result in prosecution once again being reopened and a new office action being issued applying new references that are no better than the art that has already been successfully overcome. It is a grave disservice to Applicants to perpetually issue new rejections that do not ever progress the case toward some resolution.

Moreover, given that this application has now been before an appeal conference on two other instances, and has resulted in each instance in a finding that the Examiner's rejections were not sufficiently supported to sustain appellate review, Applicants submit that the Examiner has been given more than ample opportunity to locate relevant prior art to apply against the claims, and has failed to do so. After seven separate office actions, further searching by the Examiner should not be necessary at this stage of prosecution. As a result, Applicants request that all rejections be withdrawn and the application be passed to allowance.

Second, with respect to the lack of support for the Examiner's rejections, Applicants note that, with the exception of the Office Action of November 13, 2003 (paper 11), the Examiner has never substantively addressed Applicants' arguments in support of patentability. Instead, each Office Action takes the same basic form: the text of each claim is cut & pasted into the Office Action, a list of passages from the prior art is cited without any explanation of how the passages relate to the claim language in question, and a brief statement of motivation to combine is made. Of note, the rejection of each dependent often cites the <u>exact</u> same passages in the references, and states nothing further than "as per claim X, reference Y teaches <insert text of claim X>." There are no supporting arguments that apply the passages to the claim language at issue.

Furthermore, in each subsequent Office Action, the Examiner typically substitutes the name of the new reference and the citation of relevant passages, but does not even discuss how the new reference or the cited passages therein apply to the relevant claim language. The discussion of motivation is also unchanged.

It is increasingly frustrating to Applicants that so much time and expense has been consumed in responding to Office Actions where it is quite apparent that little effort was undertaken to advance the course of prosecution. Indeed, since the rejections in the present Office Action are nothing more than restatements of rejections in prior Office Actions, it appears that the most likely result of Applicants filing an Appeal Brief in this case would be another

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decision by the appeals conference to reopen prosecution rather than forward the application on to the Board of Patent Appeals and Interferences for appellate review. As such, Applicants submit that pre-appeal brief review of the final rejections is appropriate in this instance.

Third, with respect to the outstanding rejections, Applicants submit that there is a clear error on the part of the Examiner in the rejections, as the art now cited by the Examiner is even less relevant than the art previously cited and overcome by Applicants.

As an example, independent claim 54 recites a method of identifying an unknown party interacting with an intelligent agent, wherein the method includes the steps of determining at least one attribute related to the unknown party, comparing the attribute for the unknown party with attributes related to a plurality of known parties, and identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party, where the unknown party is a party other than a client that has delegated at least one task to the intelligent agent.

Claim 54 was previously rejected as being obvious in view of Hoffman and Slotznick, but in the latest Office Action, Hoffman was replaced with U.S. Patent No. 5,704,017 to Heckerman. In the Examiner's prior rejections based upon Hoffman, the Examiner relied upon Hoffman for allegedly teaching determining an attribute related to an unknown party, comparing the attribute for the unknown party with attributes related to a plurality of known parties, and identifying the unknown party as the known party having the attribute which most closely matches that of the unknown party. The Examiner now relies on Heckerman for disclosing these same concepts.

However, nowhere in Heckerman, and in particular, nowhere in the specific passages relied upon by the Examiner (abstract, col. 2, line 58 to col. 3, line 15, col. 4, lines 38-62, col. 7, lines 19-55, col. 8, lines 11-16, and col. 18, line 9 to col. 20, line 64), is there even any discussion of attempting to identify an unknown user. Instead, Heckerman is directed to a neural network that is used to predict unknown _preferences_ of users in a particular field of decision making (see cols. 18-20 for a discussion of various applications, such as predicting music preferences, television preferences, newspaper preferences, web site preferences, etc.). Nowhere is the identity of a user or other party ever at issue in Heckerman, and nowhere is any attempt made in Heckerman to analyze attributes of a party to determine the identity of that party. As a

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result, contrary to the Examiner's assertions regarding Heckerman, there is no teaching in the reference regarding determining attributes of unknown parties, comparing those attributes with those of known parties, or identifying an unknown party, as is recited in claim 54.

The Examiner also continues to rely on Slotznick for allegedly disclosing the identification of an unknown party interacting with an intelligent agent. As Applicants argued in the prior Amendment and Response, which arguments were never addressed or rebutted by the Examiner in the final Office Action, Slotznick is merely directed to an intelligent agent that is described as serving more or less as an "executive assistant" that executes delegated tasks on behalf of a user.

The only functionality that is even arguably analogous to identifying an unknown party is a login or authorization procedure that must be followed by a client before delegating tasks to the Slotznick intelligent agent. *See, e.g.,* col. 16, line 65 to col. 17, line 34. However, the login procedure described in Slotznick is essentially used by the client or principal of the intelligent agent in order to program the intelligent agent to perform desired tasks on behalf of that client. Claim 54 was amended in the prior Amendment and Response to recite that the unknown party being identified is a party other than a client that has delegated a task to the intelligent agent. Slotznick is entirely silent with respect to this feature.

Applicants have also previously argued, without rebuttal from the Examiner, that the identification of a party other than a client that has delegated a task to an intelligent agent, as recited in claim 54, represents a non-obvious distinction from Slotznick and the other prior art of record. The invention of claim 54 addresses a specific risk that arises with intelligent agents as a result of such intelligent agents operating with delegated autonomy, particularly when operating in uncontrolled or untrusted environments. Specifically, in such circumstances, intelligent agents very well may be subjected to an increased risk from malicious parties who may attempt to deceive or otherwise take advantage of an intelligent agent. Thus, by attempting to identify unknown parties with which intelligent agents are interacting, embodiments consistent with the invention potentially enable intelligent agents to modify their behavior so as to minimize the risk posed by a party with which they are interacting.

Neither Slotznick, which discloses an authorization procedure used to allow a client access to an intelligent agent for the purpose of delegating tasks to that agent, nor Heckerman, which doesn't even attempt to ascertain the identify of any party, discloses or suggests the identification of a party other than one attempting to delegate tasks to an agent. Applicants therefore respectfully submit that a clear error exists with respect to the Examiner's rejection of claim 54.

Similar deficiencies exist with respect to the other independent claims (claims 60, 61, 113 and 114). Moreover, as noted above, the arguments in support of the rejections of the dependent claims are superficial at best, and fall far short of meeting the burden required to establish a *prima facie* case of obviousness.
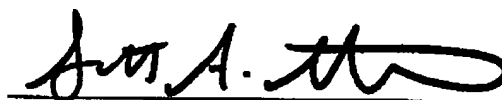
As a result, Applicants respectfully submit that this application is ripe for pre-appeal brief review by the appeals conference. Moreover, Applicants respectfully submit that the rejections of the claims are insufficient to establish a *prima facie* case of obviousness as to any of the pending claims, and should be withdrawn. Given, also, that the Examiner has been unable to formulate any sustainable rejections of the claims over the course of seven separate Office Actions, Applicants respectfully request an immediate allowance of all pending claims.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

22 SEP 2005
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